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LETTER DATED 16 JUNE 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Following the technical presentation to the Security Council on 3 and 4 June, I visited Baghdad from 11 to 15 June 1998, in order to discuss with the Deputy Prime Minister of Iraq, Mr. Tariq Aziz, the priority issues in the various disarmament areas which remain to be resolved. As suggested by several members of the Council, I offered to engage the Iraqi side in a technical, scientific and objective dialogue with the Commission in order to work together on the outstanding disarmament issues.

The discussions were held in a cordial and professional manner, which reflected the new spirit of cooperation between both sides following the signature of the Memorandum of Understanding between the Secretary-General and the Government of Iraq on 23 February 1998 (see S/1998/208).

As a result of the talks, the Deputy Prime Minister and I agreed on a schedule for work to be carried out by both sides during the next two months in order to try to resolve most of the priority disarmament issues.

I believe that if the Government of Iraq provides the full cooperation it undertook to provide, in the Memorandum of Understanding between the United Nations and Iraq, it should be possible for the Commission to resolve remaining issues and begin to formulate reports on its work pursuant to paragraph 22 of resolution 687 (1991).

A report on the outcome of my visit to Baghdad is attached (see annex). I would be most grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

I stand ready to brief you and the Council, at your convenience, following my return to New York.

(Signed) Richard BUTLER

ANNEX

Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 11-15 June 1998

I. INTRODUCTION

1. The Executive Chairman of the United Nations Special Commission (UNSCOM) visited Baghdad from 11 to 15 June 1998. He was accompanied by the Deputy Executive Chairman, Mr. Charles Duelfer, and four Commissioners: Professor Benson Agu (Nigeria), Mr. Gennady Gatilov (Russian Federation), Dr. Roberto Sánchez (Venezuela) and Dr. Emile Vanden Bemden (Belgium), as well as a team of senior technical and policy officers of the Commission's Executive Office in New York.

2. Four plenary meetings, and two expert level talks, comprising some 14 hours, took place on 13 and 14 June. These talks followed a day of consultations with the resident staff of the Commission's Baghdad Monitoring and Verification Centre. The Iraqi delegation was led throughout by the Deputy Prime Minister, Mr. Tariq Aziz. He was supported by a large delegation that included Mr. Muhammad Saeed Al-Sahaf, Minister for Foreign Affairs, General Amer Rashid, Minister of Oil, General Amer Al Sa'adi, Counsellor to the Presidency, Mr. Abdel Diaf Taiwiesh, Director of the Military Industrialization Corporation, General Hossam Amin, Director of Iraq's National Monitoring Directorate, as well as those officials responsible for various activities related to Iraq's proscribed programmes.

II. MAIN PURPOSE OF THE VISIT

3. The Executive Chairman's visit to Baghdad followed the Commission's technical presentation to the Security Council on 3 and 4 June 1998. After making a similar presentation to the Iraqi side, the Commission sought Iraq's cooperation to fulfil what the Commission assesses to be the necessary requirements if it is to be able to submit credible reports to the Council on the verification and adequacy of Iraq's declarations on its proscribed weapons programmes.

4. For that purpose, the Executive Chairman proposed to the Deputy Prime Minister that the two sides concentrate the discussions on the list set out in the informal paper presented to the Council on 4 June, entitled "Disarmament issues" (see appendix I).

5. The Executive Chairman made it clear to the Iraqi delegation that the Commission's list of priority issues contained in that paper included the major outstanding issues relevant to the conclusion of the disarmament work and that no other "hidden agenda" existed.

6. While not accepting the Commission's document, the so-called "road map", the Deputy Prime Minister allowed the discussions in Baghdad to concentrate on the priority disarmament issues identified by the Commission, in that document, but disagreed that all of them were issues of disarmament.

III. TOPICS COVERED

7. In the course of the meetings, the senior experts from the Commission made presentations on the status of the verification of the priority disarmament issues. The experts outlined to the Iraqi side the various problems encountered by the Commission in establishing a material balance of proscribed weapons, and in their clarification of these issues. This was due, in particular, to the unilateral destruction carried out by Iraq. The Iraqi side presented its own assessment on the status of the verification of most of these issues.

8. Much discussion took place over the importance of certain of the matters under investigation. The Deputy Prime Minister stated that the Commission pursued many trivial matters not related to disarmament that only delayed lifting the embargo under paragraph 22 of resolution 687 (1991). Iraq had destroyed its proscribed weapons, and the details were unimportant in view of the level of suffering in Iraq as a consequence of sanctions. The Executive Chairman pointed out that the Commission's work had been both prolonged and greatly complicated ever since 1991 because of Iraq's incorrect declarations; unilateral destruction; and policies and actions of concealment. There was often a lack of direct material or documentary evidence. Consequently, in order to fulfil its obligation to verify Iraq's declarations, the Commission had to use less direct methods.

9. The Commission's experts stressed that, of particular importance, were measures to try to verify the total amount of proscribed weapons produced by Iraq. While the Commission had had success in verifying destruction of known weapons, it needed to verify the total quantities which had been produced. In a number of instances, it had been found necessary to investigate details in order to develop confidence that the total picture was understood. As briefed to the Council on 3 and 4 June, the Commission had found elements of the Iraqi declarations to be incorrect.

10. In the missile area, the discussions concentrated on the accounting of missile warheads, in particular the results of the excavation and laboratory analysis of missile warhead remnants; the indigenous production of missile components; and the accounting for missile propellants. The Commission stressed the importance of documents to help resolve the issues in the missile area.

11. The Commission's concerns on the verification of those issues were discussed. On the issue of propellants, the Deputy Prime Minister said that the issue was not essential for the disarmament process; it could be addressed under ongoing monitoring by the Commission; and Iraq would not agree to its inclusion in any current schedule for work.

12. On the accounting for Iraq's indigenous production of missiles and for major components, Iraq reiterated its position that it had not achieved full

capability to produce, indigenously, engines and gyroscopes for proscribed missiles. Therefcre, accounting fully for such components was unnecessary. The Commission countered that such accounting was necessary due to the significant uncertainty surrounding that programme, including the lack of physical and verifiable evidence of the destruction of the components.

13. In the chemical weapons area, the discussions focused on the accounting for special chemical munitions and the material balance of equipment for the production of chemical warfare agents. The Commission's experts outlined some practical means to address the issues, including the provision of additional information and documentation by Iraq. Both sides agreed that quick progress should be made on these issues.

14. During the discussions, the Commission presented the preliminary results of the chemical analysis of certain excavated remnants of special missile warheads. The Iraqi side rejected these results. Both sides agreed to conduct further discussions on this issue.

15. While informed of the Commission's concerns, Iraq refused to undertake additional steps to clarify the extent of its attempts to produce the chemical warfare agent VX. Iraq stated that this matter was closed and that it was only ready to discuss the evidence available to the Commission of incorrect declarations on VX. The Commission stressed that this important disarmament issue needed to be fully clarified and further verification efforts undertaken.

16. In the biological weapons area, the Commission's experts presented a status report on the verification of Iraq's declarations. Particular emphasis was given to the problems derived from the lack of physical or verifiable evidence in most aspects of the biological weapons programme. Iraq stated that it had already presented all the evidence available to it, and that no additional information or documentation would be provided to the Commission.

17. Iraq once again declared that the biological weapons programme had been obliterated. It stated that it would not revise its declaration of full, final and complete disclosure. The Commission proposed a shift in methodology to focus on the munitions end of the programme. Iraq requested a meeting in Baghdad with the Commission's experts and additional internationally recruited experts to review again the entire declaration. Iraq further requested that this meeting should continue until it settled the outstanding problems. The Commission agreed to a meeting, including international experts drawing from those present at the biological weapons technical evaluation meeting in Vienna. The duration of the meeting would be at the discretion of the leader of the meeting.

18. The Executive Chairman also raised a number of additional matters of importance. He informed the Deputy Prime Minister that additional aerial surveillance was being initiated by France. Further capability was under discussion with the Russian Federation for the provision of an aircraft, if appropriate basing were to be agreed by Iraq. The Commission proposed that the Russian aircraft and its crew be based at the Rasheed Airbase, outside Baghdad, where the Commission's Chilean helicopter unit was currently located. This

would facilitate coordination and logistics for the Commission's various aviation assets.

19. The Deputy Prime Minister agreed that Iraq would meet with experts from the Russian Federation and the Commission to consider this matter further. While he welcomed aircraft from Russia and France, the Deputy Prime Minister demanded that the Commission stop using the U-2 aerial surveillance aircraft because of the hostile policy towards Iraq of the Government supplying the aircraft, namely, the United States of America. The Executive Chairman reminded the Deputy Prime Minister that, at the emergency session of the Special Commission, held on 21 November 1997, it had been noted that additional aerial surveillance, with additional aircraft, could enhance the Commission's effectiveness. Thus, the Russian and French aircraft were supplemental to the U-2. He said he would study the Deputy Prime Minister's request, but that his decision would be based on the Commission's operational requirements for disarmament and monitoring.

20. In relation to missile monitoring, the Executive Chairman reiterated the Commission's serious concern over the use by Iraq of certain key components taken from a surface-to-air missile system (VOLGA) and modifying them for use in a short-range missile system. These modifications could, in turn, enable Iraq to modify the VOLGA missiles into a proscribed surface-to-surface mode.

21. The Deputy Prime Minister stressed that, due to the sanctions, it needed to make the best use of its limited resources for its national defence, and that all the missile systems in Iraq were under the Commission's monitoring, which would allow the Commission to detect any proscribed modification of a missile.

22. The Executive Chairman took note of this position, but reiterated that, under the ongoing monitoring plan adopted by the Council in resolution 715 (1991), the Commission would not permit the use or modification of certain components in non-proscribed missile development. The Deputy Prime Minister did not accept the Commission's position.

IV. CONCLUSIONS

23. As a result of the discussions, the Deputy Prime Minister and the Executive Chairman agreed on a schedule for work on certain outstanding disarmament issues for the next two months (see appendix II). Several meetings were planned to be held in Baghdad between experts from Iraq and the Commission in order to address some of the issues. Iraq made a particular demand that select experts from China, France and the Russian Federation should be included, as well as the Commission's experts and other international experts for a review of the biological weapons declaration and a review of the chemical analysis of special warheads. Additional laboratory analyses, excavations and physical accounting of proscribed weapons would be undertaken by both sides.

24. The results achieved under the schedule for work would be assessed by the Deputy Prime Minister and the Executive Chairman during the next round of discussions, to be held in Baghdad during the second week of August 1998. Depending on the results of these discussions, further work could be agreed upon by both sides, before the presentation of the next biannual report by the Commission to the Council, in October 1998.

25. The Executive Chairman stressed to the Deputy Prime Minister that concrete progress on the priority disarmament issues would have a direct impact on the Commission's ability to report favourably to the Security Council under paragraph 22 of resolution 687 (1991). The Executive Chairman emphasized to the Deputy Prime Minister that fundamental to this end would be the provision by Iraq of documents sought by the Commission on the priority issues. This has been deemed essential by the Commission, given Iraq's claim that it no longer possesses any other physical or verifiable evidence to support its declarations that it does not retain any proscribed weapons, components or equipment.

26. In virtually all instances, Iraq remained firm in its position that no relevant documents were available. However, in limited cases, Iraq would look again for documents. In one instance, Iraq refused to provide documents which it acknowledged having in its possession - documents previously shown to the Commission on one occasion - on the ground that Iraq had itself determined that the material contained in those documents was unrelated to the Commission's work.

27. While the schedule for work includes most of the priority issues identified by the Commission in its briefing to the Council and in its April 1998 report to the Council (S/1998/332), Iraq refused to include some of the priority issues which had been identified by the Commission. These included the extent of the VX production, accounting for proscribed missile propellants, and clarification of the concealment actions and policies by Iraq. On the accounting for propellants for proscribed Scud-type missiles, the Commission indicated that it did not accept Iraq's contention and that it would continue its investigation of this issue in parallel with the implementation of the agreed schedule for work. This was also the case in respect of the verification of the VX issues.

28. During the discussions, the Executive Chairman raised the matter of Iraqi concealment actions and policies and their impact on verification and monitoring. He stressed that the Commission considered a full investigation of this issue to be fundamental if it were to report to the Council, with a great degree of confidence, that all Iraq's proscribed weapons programmes had been destroyed, removed, or rendered harmless.

29. The Executive Chairman proposed to the Deputy Prime Minister that a special meeting be held to discuss, in particular, those events that gave rise to the Commission's concern on possible concealment activities by Iraq. The Deputy Prime Minister declined, preferring to focus on the schedule for work on the other outstanding disarmament issues and then, after that, to discuss the matter of concealment. The Executive Chairman stated that the Commission needed to continue investigating Iraq's actions and decisions to retain proscribed materials and associated documents, in order to verify that they had, indeed, ended.

30. The Executive Chairman reminded the Deputy Prime Minister that, while carrying out the schedule for work, the Commission would be engaging in its other activities and would pursue all the matters it deemed necessary to accomplish its mandate. The Deputy Prime Minister stated that Iraq would cooperate with the Commission.

APPENDIX I

Informal paper presented to the Security Council on 4 June 1998

Disarmament issues

Below is a statement of specific tasks and information, the completion and verification of which are necessary to the formulation by the United Nations Special Commission (UNSCOM) of a report, pursuant to paragraph 22 of Security Council resolution 687 (1991) that, in its view, Iraq has completed the disarmament actions contemplated in that resolution. The achievement of this outcome will require Iraq to meet fully its obligation to provide access to all necessary materials, documents and information.

The preparation of such a report would also require the Commission to be able to conclude that concealment of proscribed programmes by Iraq had ceased.

Missiles

Warheads

- Completion of the warhead material balance
- Implementation of the recommendations of the missile warhead technical evaluation meeting
- Provision of the documentation requested in the Commission's letters of 4 November 1996 and 1 August 1997

Propellants

- Provision of the record of the unilateral destruction of propellants
- Full disclosure on propellant unilateral destruction activities

Indigenous production

- Establishment of material balance of major components
- Provision of supporting documentary evidence, in particular monthly production status reports

Verification and assessment by UNSCOM of the foregoing

Chemical weapons

- Accounting for special missile warheads
  - Provision of documents and clarifications on the production, filling and deployment of warheads

- Material balance of special munitions

  - Provision of verifiable evidence of the disposition of unaccounted munitions, including 155-mm mustard shells and R-400 chemical/biological aerial bombs

- Extent of Iraq's efforts to produce chemical warfare agent VX

  - Implementation of the recommendations of the technical evaluation meeting

  - Provision of documents and verifiable evidence to support its declarations

- Material balance of chemical weapons production equipment

  - Provision of information on the use and status of the equipment evacuated from chemical weapons facilities prior to the adoption of Security Council resolution 687 (1991)

Verification and assessment by UNSCOM of the foregoing

Biological weapons

Material balance of

- Acquisition and production of

  - Materials and equipment

  - Agents

  - Munitions

- Destruction of

  - Materials and equipment

  - Agents

  - Munitions

Additional action required

- Provision of information and materials identified by the technical evaluation meeting

Verification and assessment by UNSCOM of the foregoing

APPENDIX II

14 June 1998

Schedule for work on outstanding disarmament issues until 9 August 1998

Missiles

Warheads

1. Completion of the verification of the warhead material balance:

(a) Completion of the warhead survey and excavation work at the destruction sites in Iraq by 18 or 21 June;

(b) Classification of warhead remnants and collection of data by the UNSCOM assessment team in Iraq (18 to 24 June);

(c) Completion of the UNSCOM analysis of the 44 warhead samples removed from Iraq by 19 June and provision of the results to Iraq by 22 June.

2. Review of the implementation of any remaining recommendations of the missile warhead technical evaluation meeting between 18 and 24 June, and agreement on any further steps needed from Iraq within two weeks.

3. A meeting between Iraq and UNSCOM on the warhead issues, if required (end of July (Baghdad)).

Indigenous production

An expert meeting is to be held in Baghdad in mid-July between the two sides to review the status of indigenous production (engines, gyroscopes, warheads), the material balance and the unilateral destruction thereof.

Chemical weapons

1. Taking additional samples by UNSCOM from soil and warhead remnants from the destruction sites as soon as possible.

2. Expert meeting to be held during the first week of July in Baghdad on:

- Available results of the chemical analysis of the warhead remnant samples;
- Results of the chemical analysis of the samples from the MSE VX dump site, including stabilizers. The results of the analysis will be provided to Iraq by 23 June.

3. Material balance of special munitions

155 mm mustard shells

(a) Clarification to be submitted by Iraq by 21 July on sites where 155 mm mustard shells were lost during the war. Iraq will give UNSCOM two weeks' advance notice, in case it would request deployment by UNSCOM of survey and verification equipment.

(b) Expert meeting on the accounting of 155 mm shells (last week of July (Baghdad)).

R-400 aerial bombs

Presentation by Iraq of documents on the accounting of conventional aerial bombs BRIP 400 (tail section) (first week of July).

4. Material balance of chemical weapons production equipment

Clarifications to be submitted by Iraq on the movement of the glassware shipping containers which contained chemical production equipment (within 2-3 weeks).

Biological weapons

Iraq-UNSCOM expert meeting on the BW file, beginning 11 July in Baghdad.